

**FILED - GR**

October 10, 2023 11:17 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY:JMW SCANNED BY: KB/10-10

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

**UNITED STATES DISTRICT COURT**

for the

Western District of Michigan 

Southern Division

**1:23-cv-1070****Jane M. Beckering  
U.S. District Judge**

Da'Vonte' LaMaar Tibbs

Case No.

(to be filled in by the Clerk's Office)

**Plaintiff(s)**

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Janis Petrini &amp; Express Employment Professionals

,David Robb

**Defendant(s)**

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

**COMPLAINT FOR A CIVIL CASE****I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Da'Vonte' LaMaar Tibbs
Street Address	1901 Bayou Ct NE
City and County	Grand Rapids (Kent)
State and Zip Code	MI 49505
Telephone Number	616-250-9410
E-mail Address	Davonte.Tibbs@yahoo.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

## Defendant No. 1

Name	<u>Janis Petrini</u>
Job or Title ( <i>if known</i> )	<u>Co-Owner/Founder of Purpose Driven Talent</u>
Street Address	<u>1760 44th St SW Suite 10</u>
City and County	<u>Wyoming (Kent)</u>
State and Zip Code	<u>MI 49519</u>
Telephone Number	<u>616-281-0611</u>
E-mail Address ( <i>if known</i> )	<u><a href="mailto:Janis.Petrini@Expresspros.com">Janis.Petrini@Expresspros.com</a></u>

## Defendant No. 2

Name	<u>Purpose Driven Talent dba Express Employment Professionalss</u>
Job or Title ( <i>if known</i> )	
Street Address	<u>1760 44th St SW Suite 10</u>
City and County	<u>Wyoming (Kent)</u>
State and Zip Code	<u>MI 49505</u>
Telephone Number	<u>616-281-0611</u>
E-mail Address ( <i>if known</i> )	

## Defendant No. 3

Name	<u>David Robb</u>
Job or Title ( <i>if known</i> )	<u>Co-owner</u>
Street Address	<u>1760 44th St SW Suite 10</u>
City and County	<u>Wyoming (Kent)</u>
State and Zip Code	<u>Michigan 49519</u>
Telephone Number	<u>616-281-0611</u>
E-mail Address ( <i>if known</i> )	<u><a href="mailto:David.Robb@Expresspros.com">David.Robb@Expresspros.com</a></u>

## Defendant No. 4

Name	
Job or Title ( <i>if known</i> )	
Street Address	
City and County	
State and Zip Code	
Telephone Number	
E-mail Address ( <i>if known</i> )	

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

Federal question       Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Title VII of the Civil Rights Act of 1964: This federal law prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. The hostile work environment, discrimination, and sexual harassment I have experienced constitute violations of Title VII.

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated under the laws of the State of *(name)* \_\_\_\_\_, and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of the State of *(name)* \_\_\_\_\_. Or is a citizen of *(foreign nation)* \_\_\_\_\_.

b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under \_\_\_\_\_  
the laws of the State of (name) \_\_\_\_\_, and has its  
principal place of business in the State of (name) \_\_\_\_\_.  
Or is incorporated under the laws of (foreign nation) \_\_\_\_\_,  
and has its principal place of business in (name) \_\_\_\_\_.  
\_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

The amount in controversy surpasses \$75,000, excluding interest and court costs, stemming from emotional distress, discrimination, and related harm caused by Purpose Driven Talent's actions. This includes emotional tolls from incidents since October 2022, encompassing racial remarks and sexual harassment. Punitive damages may be merited due to the defendant's lack of remorse and refusal to acknowledge these wrongs.

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**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

1. Meeting with David Robb (August 2, 2023):

Violation: Failure to address concerns about inequality and diversity issues.

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination based on race, color, or national origin).

2. Resignation (August 3, 2023):

Violation: Constructive discharge due to a hostile work environment.

Employment Law: Title VII of the Civil Rights Act of 1964 (hostile work environment).

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**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

The Plaintiff, Da'Vonte, seeks relief against Purpose Driven Talent, requesting \$75,000 in monetary compensation for severe emotional distress stemming from racial remarks, sexual assault/harassment, a hostile work environment, and the unauthorized use of his images and videos in marketing and online content during their employment. Da'Vonte asserts that these wrongs continue to affect him presently. Additionally, punitive damages are sought, with the specific amount to be determined by the court. These claims are grounded in the egregious nature of Purpose Driven Talent's actions and the considerable harm endured by Da'Vonte, including the removal of his images and videos from marketing and online platforms, all free of retaliation and harassment.

#### V. Certification and Closing

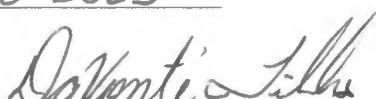
Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 10-10-2023

Signature of Plaintiff



Printed Name of Plaintiff

Da'Vonte' LaMaar Tibbs

##### B. For Attorneys

Date of signing:

Signature of Attorney

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Printed Name of Attorney

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Bar Number

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Name of Law Firm

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Street Address

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State and Zip Code

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Telephone Number

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E-mail Address

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Da'Vonte' (Von) Tibbs - additional claims

3. Severance Offer and Disclosure (August 7, 2023):

Violation: Inadvertent disclosure of pay to coworkers.

Employment Law: Fair Labor Standards Act (FLSA) and state wage laws (privacy of pay information).

4. Meeting with Grant (August 11, 2023):

Violation: Uncomfortable use of the term "POC."

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination based on race or color).

5. Unwanted Physical Contact by Lorraine (June 2023):

Violation: Unwanted physical contact and racially insensitive comments.

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination and sexual harassment based on race or color).

6. Janis's Inappropriate Conduct During a Team Meeting (June 2023):

Violation: Inappropriate conduct, lack of regard for personal boundaries, and racial dynamics.

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination and sexual harassment based on race or color).

7. Hostile Work Environment Due to Zach's Behavior (Daily occurrence):

Violation: Failure to address a hostile work environment created by Zach.

Employment Law: Title VII of the Civil Rights Act of 1964 (hostile work environment).

8. Tyler Holstege's Racial Comment (Spring of 2023):

Violation: Racially insensitive comment by a coworker.

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination based on race or color).

9. Lack of Diversity and Racial Discrimination:

Violation: Assignment of tasks based on race, discriminatory hiring practices, and failure to embrace diversity.

Employment Law: Title VII of the Civil Rights Act of 1964 (discrimination based on race or color).

10. Failure to Acknowledge Juneteenth:

Violation: Failure to acknowledge a federally recognized holiday.

Employment Law: Civil Rights Act of 1866 (failure to acknowledge and provide equal treatment regarding a holiday).

*Da'Vonte' Tibbs* 10-10-2023